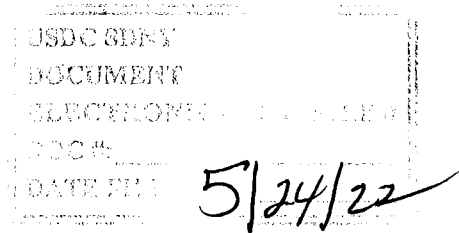


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL HUNTER,
Plaintiff,

v.

TOWN OF BLOOMING GROVE, TOWN
OF BLOOMING GROVE POLICE
DEPARTMENT, and POLICE OFFICER
ANTHONY ALTERO,
Defendants.
-----X



ORDER

22 CV 2088 (VB)

On April 5, 2022, defendants moved to dismiss the complaint pursuant to Rule 12(b)(6). (Doc. #6).

On April 6, 2022, the Court ordered that by no later than April 15, 2022, plaintiff must notify the Court by letter whether he (i) intends to file an amended complaint in response to the motion to dismiss, or (ii) will rely on the complaint that is subject to the subject of the motion to dismiss. (Doc. #9).

On April 29, 2022, plaintiff filed an amended complaint. (Doc. #14).

By letter dated May 23, 2022, the parties informed the Court that “[i]n order to obviate the need for a motion,” they have reached an agreement for plaintiff to withdraw the Monell claim from the amended complaint. (Doc. #17).

Accordingly, IT IS HEREBY ORDERED:

1. Count VI of the amended complaint (paragraphs 55 to 62) is WITHDRAWN.
2. By June 6, 2022, defendants shall respond to the amended complaint, as modified herein.
3. The initial conference currently scheduled for June 9, 2022, at 10:30 a.m., shall proceed as scheduled. The parties’ proposed civil case discovery plan and scheduling order shall be submitted by June 2, 2022.
4. There is no need to file a second amended complaint.
5. The Clerk is directed to terminate the motion. (Doc. #6).

Dated: May 24, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge